

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Cedric J. Taylor,

Plaintiff

Case No. 2:24-cv-01939-CDS-EJY

Order Dismissing and Closing Case

v.

Joe Lombardo, et al.,

Defendants

Plaintiff Cedric Taylor brings this civil-rights action under 42 U.S.C. § 1983 to redress constitutional violations that he allegedly suffered while incarcerated at Southern Desert Correctional Center. ECF No. 1-1. On October 22, 2024, the magistrate judge ordered Taylor to either pay the full \$405 filing fee or file a complete application to proceed *in forma pauperis* by November 22, 2024. ECF No. 3. But that deadline expired without any response by Taylor.

I. Discussion

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a party’s failure to obey a court order or comply with local rules. *See Carey v. King*, 856 F.2d 1439, 1440–41 (9th Cir. 1988) (affirming dismissal for failure to comply with local rule requiring pro se plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order). In determining whether to dismiss an action on one of these grounds, the Court must consider: (1) the public’s interest in expeditious resolution of litigation; (2) the Court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives. *See In re Phenylpropanolamine Prod. Liab. Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting *Malone*, 833 F.2d at 130).

1 The first two factors, the public's interest in expeditiously resolving this litigation and the
2 Court's interest in managing its docket, weigh in favor of dismissal of Taylor's claims. The third
3 factor, risk of prejudice to defendants, also weighs in favor of dismissal because a presumption of
4 injury arises from the occurrence of unreasonable delay in filing a pleading ordered by the court or
5 prosecuting an action. *See Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor—the
6 public policy favoring disposition of cases on their merits—is greatly outweighed by the factors
7 favoring dismissal.

8 The fifth factor requires me to consider whether less drastic alternatives can be used to
9 correct the party's failure that brought about the Court's need to consider dismissal. *See Yourish v.*
10 *Cal. Amplifier*, 191 F.3d 983, 992 (9th Cir. 1999) (explaining that considering less drastic alternatives
11 before the party has disobeyed a court order does not satisfy this factor); *accord Pagtalunan v. Galaza*,
12 291 F.3d 639, 643 & n.4 (9th Cir. 2002). Courts “need not exhaust every sanction short of dismissal
13 before finally dismissing a case, but must explore possible and meaningful alternatives.” *Henderson v.*
14 *Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986). Because this court cannot operate without collecting
15 reasonable fees, and litigation cannot progress without Taylor's compliance with the court's orders,
16 the only alternative is to enter a second order setting another deadline. But repeating an ignored
17 order often only delays the inevitable and further squanders the court's finite resources. The
18 circumstances here do not indicate that this case will be an exception. Setting another deadline is
19 not a meaningful alternative given these circumstances. So the fifth factor favors dismissal.

20 **II. Conclusion**

21 Having thoroughly considered these dismissal factors, I find that they weigh in favor of
22 dismissal. I therefore order that this action is dismissed without prejudice based on the plaintiff's
23 failure to address the matter of the filing fee in compliance with the court's order.

24

25

26

27

28

The Clerk of Court is kindly directed to enter judgment accordingly and close this case. No other documents may be filed in this now-closed case. If Cedric Taylor wishes to pursue his claims, he must file a complaint in a new case and address the matter of the filing fee.

Dated: February 12, 2025

~~Cristina D. Silva
United States District Judge~~